

FILE NO. _____

STATE OF MINNESOTA

IN SUPREME COURT

In Re Petition for Disciplinary Action
against ROBERT DAVID BOEDIGHEIMER,
a Minnesota Attorney,
Registration No. 206453.

**PETITION FOR
DISCIPLINARY ACTION**

TO THE SUPREME COURT OF THE STATE OF MINNESOTA:

The Director of the Office of Lawyers Professional Responsibility, hereinafter Director, files this petition upon the parties' agreement pursuant to Rules 10(a) and 12(a), Rules on Lawyers Professional Responsibility (RLPR). The Director alleges:

The above-named attorney, hereinafter respondent, was admitted to practice law in Minnesota on February 16, 1990. Respondent currently practices law in St. Paul, Minnesota.

Respondent has committed the following unprofessional conduct warranting public discipline:

DISCIPLINARY HISTORY

A. On May 26, 2009, respondent was issued an admonition for simultaneously representing two clients who were directly adverse to one another in violation of Rule 1.7(a), Minnesota Rules of Professional Conduct (MRPC).

B. On December 19, 2013, respondent was issued an admonition for: failure to diligently pursue a client matter; failure to reduce his fee agreement to writing prior to receiving advance fee payments from a client; failure to state in his written fee

agreement that the fee would not be held in trust and that the client would be entitled to a refund if the agreed-upon legal services were not provided and for his conduct in characterizing his fee as nonrefundable; and failure to place an advance fee payment into his trust account and render appropriate accounts regarding client funds in violation of Rules 1.3, 1.4(a)(2) and (3) and (b), 1.5(b) (as it existed prior to July 1, 2011), 1.5(b)(1)(iii), (v) and (3) (as it existed after July 1, 2011), and 1.15(a) and (c)(3), MRPC.

FIRST COUNT

1. On or about December 10, 2013, respondent was indicted in United States District Court on allegations of conspiracy to commit money laundering, money laundering, and making a false statement to an Internal Revenue Service (IRS) agent. A copy of the indictment is attached hereto as Exhibit 1.

2. On June 17, 2014, a jury found respondent guilty of the felony-level crimes of conspiracy to commit concealment money laundering, money laundering, and making a false statement to an IRS agent in violation of 18 U.S.C. §§ 1001 and 1957. A copy of the jury verdict is attached hereto as Exhibit 2.

3. Respondent has not yet been sentenced for his crimes. Upon sentencing, respondent's conviction will become final. Pursuant to Rule 19(a), RLPR, a lawyer's criminal conviction is "conclusive evidence that the lawyer committed the conduct for which the lawyer was convicted."

4. Respondent's conduct based upon the guilty verdict violated Rule 8.4(b), (c) and (d), MRPC.

WHEREFORE, the Director respectfully prays for an order of this Court disbarring respondent, awarding costs and disbursements pursuant to the Rules on

Lawyers Professional Responsibility, and for such other, further or different relief as may be just and proper.

Dated: August 19, 2014.



MARTIN A. COLE
DIRECTOR OF THE OFFICE OF LAWYERS
PROFESSIONAL RESPONSIBILITY

Attorney No. 148416
1500 Landmark Towers
345 St. Peter Street
St. Paul, MN 55102-1218
(651) 296-3952

and



SIAMA Y. CHAUDHARY
SENIOR ASSISTANT DIRECTOR
Attorney No. 350291

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

UNITED STATES OF AMERICA,
Plaintiff,

v.

ROBERT DAVID BOEDIGHEIMER,
Defendant.

INDICTMENT CR 13-296 ADM/FLN

) 18 U.S.C. § 1001
) 18 U.S.C. § 1956(a)(1)
) 18 U.S.C. § 1956(h)
) 18 U.S.C. § 1957
) 18 U.S.C. § 982(a)(1)
) 21 U.S.C. § 853(p)
) 28 U.S.C. § 2461(c)
)
)

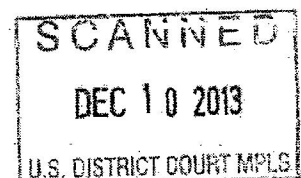
THE UNITED STATES GRAND JURY CHARGES THAT:

BACKGROUND

1. At all times relevant to this Indictment, defendant Robert David Boedigheimer ("Boedigheimer") was a resident of Stillwater, Minnesota.

2. At all times relevant to this Indictment, defendant Boedigheimer was an attorney licensed to practice in the State of Minnesota and a shareholder of Boedigheimer Law Firm, P.A., ("Boedigheimer Law Firm") a small law firm with an office located in St. Paul, Minnesota.

3. At all times relevant to this Indictment, Boedigheimer was the brother-in-law of Co-Conspirator A, a marijuana dealer based in southern Minnesota.



FACTUAL ALLEGATIONS

4. At all times relevant to this Indictment, Co-Conspirator A sold marijuana to customers, generating drug trafficking proceeds. Seeking to conceal and disguise the true nature and source of his drug proceeds, Co-Conspirator A co-mingled drug trafficking proceeds with other proceeds and conducted transactions designed to disguise his illegally obtained proceeds. Boedigheimer was aware that Co-Conspirator A's primary source of income was from the illegal sale of drugs.

5. Beginning in and around May 2009, Boedigheimer and Co-Conspirator A began to engage in transactions using Co-Conspirator A's drug proceeds. For example, on or about May 20, 2009, Co-Conspirator A loaned cash derived from drug sales to Boedigheimer and executed a promissory note by which Co-Conspirator A loaned Boedigheimer \$10,000.00.

6. On or about September 22, 2009, Boedigheimer and Co-Conspirator A agreed to refinance the \$10,000.00 loan. Boedigheimer subsequently provided Co-Conspirator A a \$10,000.00 check as a principal payment and a separate \$83.33 check as an interest payment. Co-Conspirator A provided Boedigheimer a new \$10,000.00 cash loan and executed a new promissory note.

7. On or about January 29, 2010, Boedigheimer and Co-Conspirator A agreed to refinance the \$10,000.00 loan again. Boedigheimer provided Co-Conspirator A a check in the amount of \$10,333.32 as a principal and interest

payment. Co-Conspirator A provided Boedigheimer another \$10,000.00 cash loan and executed another promissory note.

8. Another example occurred beginning in or about December 2009. Boedigheimer agreed to create a fictitious consulting position at the Boedigheimer Law Firm for Co-Conspirator A. Co-Conspirator A agreed to provide cash derived from drug sales to Boedigheimer, who would pay approximately 80 percent of the funds back by causing the issuance of payroll checks to Co-Conspirator A drawn from the account of the Boedigheimer Law Firm. Pursuant to this agreement, Co-Conspirator A provided the following approximate cash pre-payments for his salary to Boedigheimer on or about the following dates:

Date	Payroll Cash Advances
03/26/2010	\$5,000.00
04/30/2010	\$5000.00
05/21/2010	\$5000.00
06/29/2010	\$5000.00
08/01/2010	\$5000.00
09/01/2010	\$5000.00
10/01/2010	\$10,000.00
10/18/2010	\$10,000.00

Date	Payroll Cash Advances
01/28/2011	\$5000.00
Total	\$55,000.00

COUNT 1

(Conspiracy to Commit Money Laundering)

9. Paragraphs 1 through 8 of the Indictment are realleged as if set forth in full herein.

10. From on or about 2009 through 2011, in the State and District of Minnesota, the defendant,

ROBERT DAVID BOEDIGHEIMER,

did knowingly combine, conspire and agree with other persons known and unknown to the Grand Jury to knowingly conduct and attempt to conduct financial transactions affecting interstate commerce and foreign commerce, which transactions involved the proceeds of specified unlawful activity, that is, conspiracy to distribute and possess with intent to distribute marijuana, a controlled substance, knowing that the transactions were designed in whole or in part to conceal and disguise the nature, location, source, ownership and control of the proceeds of specified unlawful activity, and while conducting and attempting to conduct such financial transactions, knew that the property involved in the financial transaction represented the proceeds of some form of unlawful activity, in violation of Title 18, United States Code, Section 1956(a)(1)(B)(i).

All in violation of Title 18, United States Code, Section 1957.

COUNT 2
(Money Laundering)

11. Paragraphs 1 through 8 of the Indictment are realleged as if set forth in full herein.

12. On or about January 29, 2010, in the State and District of Minnesota, the defendant,

ROBERT DAVID BOEDIGHEIMER,

did knowingly engage and attempt to engage in a monetary transaction by through and to a financial institution, affecting interstate and foreign commerce, in criminally derived property of a value greater than \$10,000, such property having been derived from a specified unlawful activity, that is, conspiracy to distribute and possess with the intent to distribute marijuana, a controlled substances.

All in violation of Title 18, United States Code, Section 1957.

COUNT 3
(False Statement to an IRS Agent)

13. On or about June 29, 2011 in the State and District of Minnesota, the defendant,

ROBERT DAVID BOEDIGHEIMER,

did willfully make a materially false, fictitious, and fraudulent statement to a Special Agent of the Internal Revenue Service's Criminal Investigation Division ("IRS-CI"), a department and agency of the United States, in a matter within the jurisdiction of IRS-CI, when the defendant stated to the Special Agent that he had employed Co-Conspirator A

as a marketing consultant for his law firm, or words to that effect, a statement the defendant then and there knew full well to be false.

All in violation of Title 18, United States Code, Section 1001.

FORFEITURE ALLEGATIONS

The allegations in Counts 1 and 2 are realleged and incorporated by reference for the purpose of alleging forfeitures pursuant to Title 18, United States Code, Section 982(a)(1).

Upon conviction of Count 1 or 2 of this Indictment, the defendant shall forfeit to the United States, pursuant to Title 18, United States Code, Section 982(a)(1), any property, real or personal, involved in such offense, and any property traceable thereto.

If any of the above-described property is unavailable for forfeiture for any of the reasons described in Title 21, United States Code, Section 853(p), the United States will seek the forfeiture of substitute property pursuant to Title 21, United States Code, Section 853(p) as incorporated by Title 18, United States Code, Section 982(b)(1) and Title 28, United States Code, Section 2461(c).

A TRUE BILL

ACTING UNITED STATES ATTORNEY

FOREPERSON

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

United States of America,

Plaintiff,

v.

VERDICT

Criminal No. 13-296 ADM/FLN

Robert David Boedigheimer,

Defendant.

1. We, the Jury in the above-titled matter, find the defendant, Robert David Boedigheimer, Guilty (Guilty/Not Guilty), of the crime of conspiracy to commit concealment money laundering, as charged in Count 1 of the Indictment.

2. We, the Jury in the above-titled matter, find the defendant, Robert David Boedigheimer, Guilty (Guilty/Not Guilty), of the crime of money laundering, as charged in Count 2 of the Indictment.

3. We, the Jury in the above-titled matter, find the defendant, Robert David Boedigheimer, Guilty (Guilty/Not Guilty), of the crime of making a false statement to an IRS agent, as charged in Count 3 of the Indictment.

Dated: June 17, 2014.

